

Notice of Allowability

Application No.

10/730,336

Examiner

Lars A Olson

Applicant(s)

SCHULTZ, JAMES

Art Unit

3617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment received from the applicant on January 10, 2005.
2. ☒ The allowed claim(s) is/are 2 and 4-20.
3. ☒ The drawings filed on 08 December 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

Reasons for Allowance

1. An amendment was received from the applicant on January 10, 2005.
2. Claims 1 and 3 have been canceled.
3. Claims 2 and 4-20 are allowed.
4. The following is an examiner's statement of reasons for allowance. The support for a superstructure mounted to a vehicle used for towing a person as claimed is not shown or suggested in the prior art because of the use of a support that is comprised of a mounting surface for mounting to a surface of said vehicle, a stanchion face for mounting to said superstructure, and a bracket length that spans from said mounting surface to said stanchion face, where said bracket distributes compressive force that is received along said stanchion face through to said mounting surface, and where said support can be removed or replaced without altering said superstructure, or said stanchion face mounts to an arcuate portion of said superstructure and includes an arcuate surface that mates with said arcuate portion. The prior art also does not show or suggest the use of a method of securing a superstructure to a vehicle, said method being comprised of the steps of providing a vehicle with at least a pair of generally midpoint securements for said superstructure, providing said superstructure with at least a pair of superstructure members for securing to said vehicle, providing each superstructure member with a mount for securing to said vehicle, providing said vehicle with at least a pair of securement points located rearward of said midpoint securements for mounting support brackets, providing a pair of support brackets each with a vehicle

mounting face for mounting to said vehicle and a superstructure mounting face for mounting to said superstructure members, setting said faces of said support brackets at an angle for mounting to said superstructure, positioning said support brackets on said vehicle, positioning said superstructure on said superstructure faces of said support brackets, and securing said support brackets.

5. The prior art as disclosed by Wiggen et al. (US 5,052,326) shows the use of a detachable boat arch that is comprised of a pair of supports for a superstructure, said supports being mounted to a surface of a vehicle and being comprised of a mounting surface for mounting to a surface of said vehicle, a stanchion face for mounting to said superstructure, and a bracket length that spans from said mounting surface to said stanchion face, where said bracket distributes compressive forces that are received along said stanchion face through said mounting surface, and said mounting surface and said stanchion face are set at a desired mounting angle. Larson et al.

(US 5,979,350) discloses a water sports towing apparatus that includes a superstructure that is mounted to a surface of a vehicle, where said superstructure is further comprised of a member that provides a lift force to a person being towed by said vehicle. However, none of the prior art cited shows or suggests the use of a support for a superstructure mounted to a vehicle used for towing a person, said support being comprised of a mounting surface for mounting to a surface of said vehicle, a stanchion face for mounting to said superstructure, and a bracket length that spans from said mounting surface to said stanchion face, where said bracket distributes compressive force that is received along said stanchion face through to said mounting surface, and

where said support can be removed or replaced without altering said superstructure, or said stanchion face mounts to an arcuate portion of said superstructure and includes an arcuate surface that mates with said arcuate portion. The prior art also does not show or suggest the use of a method of securing a superstructure to a vehicle, said method being comprised of the steps of providing a vehicle with at least a pair of generally midpoint securements for said superstructure, providing said superstructure with at least a pair of superstructure members for securing to said vehicle, providing each superstructure member with a mount for securing to said vehicle, providing said vehicle with at least a pair of securement points located rearward of said midpoint securements for mounting support brackets, providing a pair of support brackets each with a vehicle mounting face for mounting to said vehicle and a superstructure mounting face for mounting to said superstructure members, setting said faces of said support brackets at an angle for mounting to said superstructure, positioning said support brackets on said vehicle, positioning said superstructure on said superstructure faces of said support brackets, and securing said support brackets.

Conclusion

6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Art Unit: 3617

7. Any inquiry concerning this communication from the examiner should be directed to Exr. Lars Olson whose telephone number is (703) 308-9807.

lo

February 9, 2005

LARS A. OLSON
PRIMARY EXAMINER

Lars Olson
2/9/05